

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 18-5503 FMO (MAAx)	Date	Dec. 3, 2018
Title	Hismael Valente v. Valley Guys, Inc., <u>et al.</u>		

Present: The Honorable	Fernando M. Olguin, United States District Judge		
Vanessa Figueroa	None Present		
Deputy Clerk	Court Reporter / Recorder		
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:		
None Present	None Present		

Proceedings: (In Chambers) Order to Show Cause

By order dated November 5, 2018, plaintiff was ordered to show cause, on or before November 12, 2018, why this action should not be dismissed for lack of prosecution. (Dkt. 14, Court's Order of November 5, 2018). Plaintiff was advised that an answer by the defendant or an application for entry of default pursuant to Fed. R. Civ. P. 55(a) would be a satisfactory response to the order to show cause. (See id.).

On November 9, 2018, plaintiff, who is represented by Jason T. Yoon, Jason J. Kim, and John Yunhwan Kim of the So. Cal. Equal Access Group, filed a single-paragraph application for entry of default against defendant. (See Dkt. 15, Request for Entry of Default). However, on November 16, 2018, the application was rejected by the Clerk because it failed to comply with Rule 55 of the Federal Rules of Civil Procedure, by not including the required declaration supporting the application. (See Dkt. 16, Notice of Deficiency). The Notice of Deficiency stated: "Requesting party shall file a new Request/Application with noted deficiencies corrected in order to have default reconsidered." (See id.) (emphasis omitted).

As of the date of this Order, plaintiff has not filed a new application for entry of default. (See, generally, Dkt.). Although plaintiff's counsel, Jason T. Yoon, Jason J. Kim, and John Yunhwan Kim of the So. Cal. Equal Access Group, appear to have a pattern of engaging in file-and-ignore litigation,¹ the court will grant plaintiff one final opportunity to file a compliant application for entry of default.

Accordingly, IT IS ORDERED THAT:

1. Plaintiff shall file an application for entry of default no later than **December 7, 2018**.
2. Plaintiff is admonished that failure to file a compliant application for entry of default by the December 7, 2018, deadline will result in the action being dismissed without prejudice for lack

¹ Plaintiff's counsel has engaged in similar conduct in two other cases for which the court will be issuing similar orders.

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of prosecution and/or failure to comply with the orders of the court. See Fed. R. Civ. P. 41(b); Link v. Wabash R. Co., 370 U.S. 626, 629-30, 82 S.Ct. 1386, 1388 (1962).

3. The Order to Show Cause Re: Dismissal Re: Lack of Prosecution, is hereby continued pending compliance with paragraph one above.

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Initials of Preparer	vdr		